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# **‘Proclaim Liberty Throughout all the Land unto all the Inhabitants Thereof!’: Reading Leviticus 25:10 Through the Centuries**

Jonathan Stökl

Department for Theology and Religious Studies, King’s College London\*

## **Summary**

This paper follows the text of Leviticus 25:10 in the Hebrew Bible and in selected works of the exegetical tradition of both Rabbinic Judaism and Western Christianity, in order to provide a lens through which to assess the use of a biblical text which was instrumental during the early modern period in formulating ideas about the republic and from thence to the modern liberal state. The main argument of the paper is that over time the meaning of the text shifted depending on the context in which it was read, ranging from the socio-economic to the salvific to the political. Further, all the authors cited here approached the text as an authoritative normative text, and did not look at the text as a textual artefact. While the move to re-introduce Jewish Sources into the debate in political theory is welcomed, it is argued that the results would be improved by balanced reading strategies and interaction with critical academic biblical scholarship.

**keywords:** Leviticus 25:10, Jubilee, liberty, Hebrew Bible / Old Testament

## **Introduction**

The Hebrew Bible plays a double role in modern discussions on Liberty. On the one hand, its texts are cited by those who appeal to the Judeo-Christian tradition in debates around modern civil rights. They do so with the weight of scholarly tradition behind them and they do so with some justification, as some of the scholars involved in the early modern debates on liberty explicitly refer to biblical texts. On the other hand, there are those who highlight the restrictive tenor of other biblical texts: these authors

speak of an oppressive God who asks for submission to arbitrary rules.<sup>1</sup> ‘Liberty’ is usually not mentioned in that context.

Liberty Bell, one of the symbols of the successful American War of Independence, is inscribed with the words ‘Proclaim Liberty thro’ all the land unto all the inhabitants thereof!’, a quote from Leviticus 25:10. The bell was originally cast in 1751 by Thomas Lister of Whitechapel, London, for the new State House of Pennsylvania before the War of Independence began and at the time it was known as State House Bell or Old Bell.<sup>2</sup> The bell did not acquire its current name until 1830s when abolitionist groups who understood the biblical verse inscribed on the bell as calling for general personal and political freedom started to use it as a symbol for their campaign. Once named Liberty Bell it soon became the central symbol of the abolitionist movement in the Northeastern United States. It has since acquired the status as *the* symbol for both forms of liberty in the USA, and it is well known as such also in other Western countries. Indeed, on 6 June 1944 (‘D-Day’), Liberty Bell was struck seven times, once each for the letters of the word liberty to signify liberation from Nazi rule for enslaved Europeans.<sup>3</sup> Gary Nash has surmised much on the basis of what is known from the situation of Isaac Norris, the main motivating party behind the bell’s commission in 1751, exactly 50 years after the foundation of the colony.<sup>4</sup>

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\* Email: jonathan.stokl@kcl.ac.uk.

<sup>1</sup> This is, of course a simplified version of the situation. A good introduction to ancient Israelite ethics can be found in John Barton, *Ethics in Ancient Israel* (Oxford: Oxford University Press, 2014). I would like to thank Valentina Arena for inviting me to participate in the workshop and the other attendants for discussions at the conference. I would like to thank Ben Williams and Markus Vinzent for sharing their expertise, and the anonymous reviewers for their helpful comments

<sup>2</sup> The full inscription on the bell now reads: Proclaim Liberty thro’ all the land unto all the inhabitants thereof! Lev XXV X / By order of the Assembly of the Province of Pennsylvania [sic] for the State House in Philad<sup>a</sup> / Pass and Stow / Philad<sup>a</sup> / MDCCLIII. A good introduction to the history of Liberty Bell and its recasting, as well as its evolving significance can be found in Gary B. Nash, *The Liberty Bell* (New Haven / London: Yale University Press, 2010).

<sup>3</sup> A sound recording of the radio broadcast has been made available on <https://www.nps.gov/inde/photosmultimedia-soundofthelibrarybell.htm> [last accessed 22 July 2016] and a reconstruction how the bell would sound if it had not cracked.

<sup>4</sup> Nash, *Liberty Bell*, 2–6. For the reason mentioned by Nash that Norris himself was a slave-owner it seems unlikely that he understood the biblical quotation to refer to the slaves’ freedom.

What we see in this example of the inscription on Liberty Bell is a classic case of the symbol remaining (relatively) constant but its significance shifting over time. When Isaac Norris and other statesmen commissioned the State House Bell in 1751 they were not considering banning of slavery, universal suffrage and involvement in the political sphere. They were hoping to create a material expression for the importance of Pennsylvania and for its time relatively democratic administration as the colony continued to develop. However, over time, the bell as acquired those other meanings.

Once inscribed on Liberty Bell, the biblical verse changed significance. It likewise underwent significant changes in the period between the writing of Leviticus 25 some time in the first millennium BCE and its inscription on the bell in 1751 CE.<sup>5</sup> In the following pages I intend to follow some such developments within the Hebrew Bible / Old Testament itself, in Rabbinic and Patristic exegesis of Leviticus 25:10, and in some early modern readings of this text. I will start by discussing Leviticus 25:10 and the main term that most English translation render as ‘liberty’, *děror*, in its current literary context in the Jubilee year legislation in the book of Leviticus.<sup>6</sup> The other Hebrew term commonly translated as liberty or freedom, *hērūt*, is not used in the Hebrew Bible at all. From Rabbinic Hebrew onwards it is the normal term for what we might want to call ‘liberty’. Then I will look at selected Rabbinic and Patristic interpretation of

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<sup>5</sup> For our purpose here it matters little whether Leviticus 25, part of the Holiness Code, dates to the latter half of the monarchic period (ca. 750–600 BCE), the so-called Exilic period (597—539 BCE) or the Achaemenid period (539–333 BCE). The present author favours a date in the late Exilic or early Achaemenid period.

<sup>6</sup> According to Nash, *Liberty Bell*, Isaac Norris had learned Latin, Greek and Hebrew and would, thus, have been aware of the meaning of the words. I am not familiar enough with 18th century Biblical scholarship in the United States to assert much about the ways in which biblical texts were read, or, indeed, what the state of knowledge on the Jubilee year was. For an introduction to biblical studies in the early modern period see the essays in Magne Sæbø, Michael A. Fishbane and Jean Louis Ska (eds), *Hebrew Bible/Old Testament: The History of its Interpretation: Volume II. From the Renaissance to the Enlightenment* (Göttingen: Vandenhoeck & Ruprecht, 2008). On developments in Biblical scholarship in North America during the 19th century, see James P. Byrd, ‘The “New World” of North America and Canada—and the Globalization of Critical Biblical Scholarship’, in *Hebrew Bible/Old Testament: The History of its Interpretation: Volume III From Modernism to Post-Modernism (The Nineteenth and Twentieth Centuries): Vol. 1. The Nineteenth Century—A Century of Modernism and Historicism*, ed. by Magne Sæbø, Peter Machinist and Jean Louis Ska, (Göttingen: Vandenhoeck & Ruprecht, 2013), 171–202.

selected passages as well as the use of Leviticus 25 in some early modern writing before bringing the results together in the conclusions.

This means that not only will an historically informed reading of Leviticus 25 be presented, but the development of interpretation of Leviticus 25:10 in its reception be traced. Many reception historical or reception critical enterprises are focussed on the way that biblical texts are read by the authors studied. This study sees itself as part of the enterprise of reception history. But I think it is important to point out that many readings of Leviticus 25:10 largely divorce it from its literary context, allowing them to understand the word *děror* as referring to different kinds of freedom, namely salvation and personal liberty in a non-economic sense.

## Liberty (*děror*) in the Hebrew Bible

Three Hebrew terms will play a major role in the following discussion: *děror*, *hopšī* and *šēmittā*. Broadly speaking, all three terms can be understood as belonging to the semantic field described in English by terms such as ‘release’, ‘remission’ and ‘liberty’.<sup>7</sup> *Šēmittā* is usually used in cases of annulment of debts, including release from indentured labour.<sup>8</sup> It describes the act by which an individual is discharged from their legal, social and economic dependence on another. *Hopšī*, in contrast, describes the new state of the formerly dependent individual. *Děror* describes the restitution of a state preceding being in debt, indentured labour and having ‘sold’ one’s land.

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<sup>7</sup> See Ludwig Köhler, Walter Baumgartner and Johann Jakob Stamm, *The Hebrew and Aramaic Lexicon of the Old Testament*, trans. by Mervyn E. J. Richardson (Leiden: Brill, 1994-99), 230 (*děror*), 341-42 (*hopšī*), 1558 (*šēmittā*), and David J. A. Clines, *The Dictionary of Classical Hebrew*, 5 vols (Sheffield: Sheffield Academic Press, 1993-2011), 2:462 (*děror*), 3:291 (*hopšī*), 8:437 (*šēmittā*). See also H. F. Wilhelm Gesenius et al., *Hebräisches und aramäisches Handwörterbuch über das Alte Testament*, 18th ed. (Berlin: Springer-Verlag, 2013), 258 (*děror*), 383 (*hopšī*), 1377 (*šēmittā*). In fact, the dictionaries list several homonyms of *děror*: 1. ‘a kind of bird’ (Psalm 88:4, Proverbs 26:2); 2. ‘lumps of myrrh or myrrh oil’ (Exodus 30:23); and the *děror* discussed above.

<sup>8</sup> Here and in the following I use the term indentured labour, rather than debt-slavery that is also used in the discussion, see, e.g., Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, Journal for the Study of the Old Testament Supplement Series, 141 (Sheffield: JSOT Press, 1993). Chirichigno deals with Exodus 21 (pp. 186-255), Deuteronomy 15:12-18 (pp. 256-301) and Leviticus 25:39-43, 47-55 (pp. 302-43)

The Hebrew word translated as ‘liberty’ on the inscription of Liberty Bell is *dērōr* (*áfesis* in Greek in the Septuagint). It is a cognate to Akkadian *(an)durāru*, which indicates a remission of debts and indentured labour.<sup>9</sup> The fact that some Mesopotamian contracts stipulated that even in case of an *(an)durāru* a certain debt or indentured labour was not void indicates that an *(an)durāru* did not just exist as a theoretical concept but were put into practice. A text from 18<sup>th</sup> century BCE Mari (modern Tell Hariri, close to Deir ez-Zor in Syria) known as ARM (=Archives Royales de Mari) 8 33 illustrates the point:

At the close of the 13th of Hibirtum ([month] v), Yar’ip-Ea and <sup>†</sup>Tabub-emdi have borrowed from Šamaš (temple) and from Ili-iddiam, the jeweler 3 1/3 šekels of refined silver, by the Mari Stone, its interest being 1/4 šekel per 10. He shall pay the loan and its interest in the Month of Abum ([month] iv). This money will not be absolved even if a remission (of debt, *uddurārum* [a by-form of *andurārum*]) is set. 9 witnesses, including a merchant, a carpenter, a cultivator, a smith, and a scribe. Year: Z[imri]-L[im] 7<sup>10</sup>

Against modern attempt to present such edicts as ‘reforms’, Charpin and others have argued that they do not attempt to create a new, better, system, but instead hearken back to an idealised past.<sup>11</sup>

While etymological evidence is not a good indication for either the semantics or

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<sup>9</sup> For a quick overview of *(an)durāru* and *mīšarum* edicts in the Old Babylonian period, see Dominique Charpin, *Writing, Law, and Kingship in Old Babylonian Mesopotamia* (Chicago: University of Chicago Press, 2010), 83-96. For later periods see Brigitte Lion, ‘L’*andurāru* à l’époque médio-babylonienne, d’après les documents de Terqa, Nuzi et Arrapha,’ *Studies on the Civilization and Culture of Nuzi and the Hurrians* 10 (1999), 318-28 and Pierre Villard, ‘L’*(an)durāru* à l’époque néo-assyrienne,’ *Revue d’Assyriologie et d’archéologie orientale*, 101 (2007), 107-24.

<sup>10</sup> The text is published by Georges Boyer, *Textes juridiques*, Archives Royales de Mari, 8 (Paris: Imprimerie nationale, 1958), 14. The above translation is by Jack M. Sasson, *From the Mari Archives: An Anthology of Old Babylonian Letters* (Winona Lake: Eisenbrauns, 2015), 233.

<sup>11</sup> Charpin, *Writing, Law and Kingship*, 94. See also, Eckart Otto, ‘Soziale Restitution und Vertragsrecht: *Mīšaru(m)*, *(an)durāru(m)*, *kirezi*, *parā tarṇumar*, *šēmiṭta* und *dērōr* in Mesopotamien, Syrien in der Hebräischen Bibel und die Frage des Rechtstransfers im Alten Orient’, *Revue d’assyriologie et d’archéologie orientale*, 92 (1998), 125-60 and Jean Bottéro, ‘Désordre économique et annulation des dettes en Mésopotamie à l’époque paléo-babylonienne’, *Journal of the Economic and Social History of the Orient* 4 (1961), 113-64.

pragmatics of a given word's usage, *děṛōr* is not shared by all Semitic or even all West Semitic languages. To my knowledge the term only exists in Hebrew and Akkadian suggesting a closer connection between them.<sup>12</sup> An early loan from Akkadian (*an*)*durāru* into Northwest Semitic *durār* would develop into Hebrew *děṛōr* due to the so-called 'Canaanite shift' which caused long *ā* to shift to long *ō* in Canaanite languages around the middle of the second millennium BCE.<sup>13</sup> However, if the loan took place prior to the Canaanite Shift, i.e. prior to the middle of the second millennium BCE the term ought to be attested in other Northwest Semitic languages. An independent development from a shared root simply as a coincidence is theoretically possible, but strikes me as unlikely, considering the proximity of their semantics. Indeed, it seems more likely to me that Hebrew *děṛōr* is dependent on the Neo-Assyrian dialect form *durāru*, which is attested only in the first millennium BCE: either the underlying root, *drr*, was already used in Hebrew, in which case *děṛōr* would have been formed in assonance to Akkadian *durāru*, or the Hebrew word is the result of a calque or loanblend, by which the root *drr* was loaned / copied into Hebrew and then used to form the phonetically similar form *děṛōr*.<sup>14</sup> If this latter interpretation is correct, it is likely that the loanblend occurred in the period between the fall of the Northern Capital of Samaria in 722 BCE and the early Persian period, ca. 500 BCE.<sup>15</sup>

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<sup>12</sup> The term is not attested in Ugaritic or Aramaic. For Ugaritic, see Gregorio del Olmo Lete and Joaquín Sanmartín, *A Dictionary of the Ugaritic Language in the Alphabetic Tradition*, trans. by W. G. E. Watson, Handbook of Oriental Studies, 67 (Leiden: Brill, 2003), for Aramaic see the Comprehensive Aramaic Lexicon at <http://call.cn.huc.edu> [last accessed on 8 August 2016]. The root is not attested in any non-biblical text in written in a West Semitic language, see Jacob Hoftijzer and Karel Jongeling, *Dictionary of the North-West Semitic Inscriptions*, Handbook of Oriental Studies 21 (Leiden: Brill, 1995).

<sup>13</sup> I would like to thank one of the reviewers for reminding me of this phonetic law.

<sup>14</sup> On the terms loanblend and calque see, e.g., Martin Haspelmath, 'Lexical Borrowing: Concepts and Issues,' in *Loanwords in the World's Languages: A Comparative Handbook*, ed. by Martin Haspelmath and Uri Tadmor (Berlin: de Gruyter Mouton, 2009), 35-54.

<sup>15</sup> With most European scholars of the Hebrew Bible, I date the composition of Leviticus 17–26(27) to the post-exilic period (i.e. after 539 BCE), but I think it is likely that the concept and the term *děṛōr* existed in the late pre-exilic period already (i.e. prior to 587 BCE). By a different route I thus come to a similar conclusion regarding the likely date of the loan of *durāru* / *drr* into Biblical Hebrew as Niels Peter Lemche, 'Andurārum and mīšarum: Comments on the Problem of Social Edicts and their

In the Hebrew Bible, the term is attested only seven times. Six of the occurrences are in prophetic texts: Jeremiah 34:8, 15 and 17 (2 times), Isaiah 61:1 and Ezekiel 46:17. The only non-prophetic attestation is in Leviticus 25:10 as part of the legislation pertaining to the Jubilee year. It is striking that all the prophetic attestations are either late pre-exilic (between ca. 600–587 BCE) or exilic in setting and thus can be no older. The four uses in Jeremiah are all in the same passage set during the relatively short siege of Jerusalem at the end of the short-lived and doomed second Judean revolt against Babylonian control in 587/6 BCE. The text narrates how the Judean king made a contract/agreement (*běrit*) with the indenturers (owners of indentured labourers) in the city that they would let their Hebrew indentured labourers go free, but shortly after releasing them, the previous owners forced their former indentured labourers back into servitude. In reaction, Jeremiah delivers an oracle in which God accuses these Israelite indenturers of keeping neither the covenant (*běrit*) with God nor the agreement (*běrit*) with the king. This indicates that the author of Jeremiah 34 understood the term *děror* to mean freedom from bondage or perhaps better restitution of bonded individuals to their previously free status without a debt to be repaid through labour.<sup>16</sup> Importantly, Jeremiah 34:14 specifies that the release of individuals in indentured labour has to take place every seven years, with a textual allusion to Deuteronomy 15:1, 12 and 13. It appears that Jeremiah 34, just as Deuteronomy 15 and Exodus 21, has a fixed period of seven years in mind which would start at the point at which the indentured labourer was acquired.

The second text is Isaiah 61, part of Isaiah 56–66, the third part of the prophetic book, normally attributed to a writer or a group of writers active in Persian period Judah (539–ca.333 BCE). Isaiah 61:1 itself is the start to a powerful hymn for the liberation of the imprisoned and the festive re-establishing of society: ‘The spirit of the Lord YHWH is upon me, because YHWH has anointed me; he has sent me as a herald of joy to the humble, to bind up the wounded of heart, to proclaim release (*děror*) to the

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Application in the Ancient Near East’, *Journal of Near Eastern Studies* 38 (1979), 11–22. Eckart Otto, ‘Soziale Restitution und Vertragsrecht’, 158–60, dates the adaptation to the seventh century BCE as he reads Deuteronomy 15 as a reaction to Neo-Assyrian (*an*)*durāru* texts. Deuteronomy 15 may well be a reaction to Neo-Assyrian texts, but the absence of the term *děror* in it undermines Otto’s argument.

<sup>16</sup> See already Martin Noth, *Das dritte Buch Mose: Leviticus* (Göttingen: Vandenhoeck & Ruprecht, 1962), 160 (English translation: *Leviticus*, Old Testament Library (London: SCM, 1965), 183. In Jeremiah 34:17, the term experiences a dramatic extension of its meaning when Jeremiah announces the oracle of doom in which Yhwh claims he will release (*děror*) the Judeans to death by sword, pestilence and famine.



captives, liberation to the imprisoned.’ It follows, that the use of *děṛōr* in Isaiah 61 is very similar to that of Jeremiah 34.

The final text before turning to Leviticus 25 is Ezekiel 46. Ezekiel 46:17 is part of the grand temple vision in chapters 40–48 in which the prophet describes what the future temple was supposed to look like. This vision is likely to have been received between the destruction of the first temple in 587/6 BCE and the building of the new temple towards the end of the sixth century BCE—with considerable ongoing redactional activity afterwards.<sup>17</sup> Ezekiel 46 is concerned with the role of the ‘Prince’ (*nāsī*), the envisaged post-exilic political leader and administrator of Judah. Verses 16–17 prescribe in which way the prince can give presents and leave inheritance. Presents to people who are not his sons revert back to the prince’s estate in the year of release (*děṛōr*). The use of the expression ‘year of release’ (*šēnaṭ hadděṛōr*), which is only used in Ezekiel 46 and in Leviticus 25, as well as the use of the term for matters dealing with restitution of land rather than people is usually read as an indication that Ezekiel is alluding to Leviticus 25.<sup>18</sup>

Leviticus 25 itself contains regulations for the Sabbath Year and the Jubilee.<sup>19</sup> The former, which is to take place every seven years is described in verses 3-7; the wider stipulations for the latter, which is to take place every 50 years, make up verses 8-22 with verses 23-55 recounting legal poscriptions related to the Jubilee. According to

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<sup>17</sup> According to Ezra 6:15, the Second Temple was completed on 3 Adar of year 6 of Darius’ reign (=516 BCE).

<sup>18</sup> See, e.g., Walther Zimmerli, *Ezechiel 25-48*, Biblischer Kommentar Altes Testament, 13/2 (Neukirchen-Vluyn: Neukirchener Verlag, 1969), 1178-79, and Daniel I. Block, *The Book of Ezekiel*, New International Commentary on the Old Testament (2 vols, Grand Rapids: Eerdmans, 1997-98), II:678-81. Others, e.g., Georg Fohrer, *Ezechiel* (Tübingen: J. C. B. Mohr, 1955), 256, have connected it with the seven year cycle in Jeremiah, but the difference in use between Jeremiah and Ezekiel is striking. Deuteronomy 15:9, which, like Jeremiah 34 envisages a seven year cycle, uses the similar expression *šēnaṭ haššēmiṭṭā* to refer to ‘the year of release’.

<sup>19</sup> On Leviticus 25 see Jacob Milgrom, *Leviticus: A New Translation with Introduction and Commentary*, Anchor Bible, 3 (3 vols, New Haven/London: Yale University Press, 1991-2001), 2145-71, Jeffrey A. Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics Through the Sociology of Knowledge*, Journal for the Study of the Old Testament Supplement Series, 155 (Sheffield: JSOT Press, 1993); Jean-François Lefebvre, *Le jubilé biblique: Lv 25—exégèse et théologie*, Orbis Biblicus et Orientalis, 194 (Fribourg: Editions Universitaires; Göttingen: Vandenhoeck & Ruprecht, 2003).

Leviticus 25:2-7, farmers are allowed to grow crops for six years, but in the seventh they have to eat only what grows without human input. Similar stipulations can also be found in Exodus 23:10-11.<sup>20</sup>

Leviticus 25:8-22 contain the various stipulations regarding the Jubilee year. Several of the following laws on the redemption of property and the liberation of indentured labourers also mention the Jubilee as a significant cut off point. Leviticus 25:10 specifies that in the Jubilee ‘each of you shall return to his holding and each of you shall return to his family’, meaning that land that had been sold would be returned to the family.<sup>21</sup> Similarly, indentured labourers are free to return to their families. Verses 23-34 contain laws regarding the redemption of sold property as part of the Jubilee but also independently from it; real estate is redeemable within the year, and automatically returns to the family 50 years later at the Jubilee—with the exception of a house in a walled city which is not returned. Verses 35-55 do the same for loans and indentured labourers.

The reason given in Leviticus 25:23 for this economic intervention is theological: YHWH, Israel’s God is the ultimate owner of the land. He grants use of the land on the basis of a relatively egalitarian distribution, and the Jubilee year attempts to reset the situation every 50 years.<sup>22</sup>

For modern readers the idyll is marred by verses 43-45 which indicate that the release system is not general, as it does not apply to non-Israelites.<sup>23</sup> Once acquired they become part of the property of their owner and can also be handed down as inheritance. Conversely, as an indentured labourer of a non-Israelite, the right of redemption remains active throughout the 50 year period and release is automatic in the Jubilee itself (verses 48-55).

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<sup>20</sup> Unlike Leviticus, the term Sabbath is not yet used there. That Leviticus 25:2-7 is constructed on the basis of Exodus 23:10-11 is illustrated well in Milgrom, *Leviticus*, 2154-57. In spite of Exodus 23:12, I think it is likely that in Exodus, the seven year period is not synchronised, so that different land owners could have their seventh year at a different time, thereby providing for the poor—the explicit reason given in Exodus 23 for this stipulation, *contra* Lefebvre *jubilé biblique*, 133-34.

<sup>21</sup> See Fager, *Land Tenure*.

<sup>22</sup> Lefebvre, *jubilé biblique*, 355-58. On the Holiness Code’s attitude to land in general, see Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*, Supplements to Vetus Testamentum, 67 (Leiden / Boston: Brill, 1996), 137-92 and 169-173.

<sup>23</sup> Going explicitly against Leviticus 25:10 announces release to ‘all its [=the land’s] inhabitants’ (*yōšēḥeyhā*).

There is an interesting difference between Leviticus 25 and Jeremiah 34 regarding the time frame of the release. Leviticus requires it every 50 years, while Jeremiah 34 suggests the shorter time-span of seven years, that is also used in Deuteronomy 15 and Exodus 21 and 23, as well as for the Sabbath Year in Leviticus 25:2-7.

Exodus 21, part of the Covenant Code, likely contains the oldest biblical release law, whether for real estate or indentured relatives. It specifies that Hebrew indentured labourers are to serve for 6 years and be freed in the seventh year. The term used in this version of the law is *ḥopšī*—it refers to the people who are freed, but does not give that year itself a name. *Ḥopšī* is attested 17 times in the Hebrew Bible. It refers to someone who has been freed from indentured labour in Exodus 21 (verses 2, 5, 26, 27), Deuteronomy 15 (verses 12, 13, 18), Jeremiah 34 (verses 9–11, 14, 16), as well as Isaiah 58:6 and Job 3:19, 39:5. In the Goliath narrative (1 Samuel 17:25) *ḥopšī* refers to a special status given to the family of the Israelite who was to slay Goliath.<sup>24</sup> It is noteworthy that it is used in Deuteronomy 15, which also use the term *šēmitā* (‘release’, ‘remission’), and Jeremiah 34, which also uses the term *děror* (‘release’, ‘restitution’). This suggests that the three terms belong to the same semantic field and overlap in meaning and usage.

Deuteronomy 15:1–11 knows of a seven year cycle of remission (*šēmitā*) of debts. The seventh year is to be known as the ‘year of remission’ (Deuteronomy 15:9).<sup>25</sup> While this remission of debt does not explicitly include the freeing of indentured labourers the likelihood of getting into indentured labour through unpaid debt or as a bond for a loan was high—and Jubilees 25 connects the two issues. Indeed, the following verses (Deuteronomy 15:12–18) are about the release of indentured labourers.

The difference in the terms used in Deuteronomy and Leviticus could indicate that both legal collections discuss different but parallel prescriptions. The difference in terminology could also be attributed to the fact that the two sets of legislation can be found in two different law collections, the Holiness Code and Deuteronomy, which often have different and at times contradictory laws. Chirichigno and Lefebvre argue that they describe slightly different cases. Chirichigno reads Exodus 21:2-6 and Deuteronomy 15:12-18 as regarding the sale of a dependent, while Leviticus 25:23-55 determines the sale of someone who has a family.<sup>26</sup> Lefebvre understands Leviticus 25

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<sup>24</sup> The dictionaries (see nt. 8 above) understand the word as an exemption from taxation here. The occurrence in Psalm 88:6 is likely a scribal error or reflects a homophone root *ḥpš*. See, e.g., Hans-Joachim Kraus, *Psalmen*, Biblischer Kommentar zum Alten Testament, 15 (Neukirchen-Vluyn: Neukirchener Verlag, 1960), vol. I:607.

<sup>25</sup> This expression is parallel to the ‘year of release’ (*šēnat hadděror*) in Ezek 46:17.

<sup>26</sup> This is Chirichigno’s main thesis in *Debt-Slavery*.

as limited a head of a family.<sup>27</sup> That the case described in Leviticus 25 is more severe and therefore warrants the longer time period, as argued by Chirichigno is not obvious to me. Lefebvre's argument that family and land are linked in Leviticus is more convincing—and has the advantage of fitting the text of Leviticus 25.<sup>28</sup> In my view the differences of formulation between the two sets of laws are linked to their different audiences: the passages in Exodus and Deuteronomy are addressed to reasonably well off people who might be in the position to acquire indentured labourers. Leviticus 25, instead, is addressed to all Israel, not just to the indenturer. It is less a specific law than a grand theological and legal programme.

Further, the fact that Jeremiah 34:14 agrees with Exodus 21 and Deuteronomy 15 on the seven year time span, while using the term *děror*, which we also find in Ezekiel 46 and Leviticus 25, supports the conclusion that we have two different understandings of the legal area of debt relieve and the ensuing release of indentured labourers and real estate. It also appears conclusive that Ezekiel 46 has been carefully formulated so as not to contradict explicitly either Leviticus or Deuteronomy. Reading Exodus 21 (regarding release of Hebrew indentured labourer) and Deuteronomy 15:1-18 (1-11 about remission of debt, 12-18 about the release from indentured labour) and their seven year cycles together, suggests that Leviticus 25 likely reformulated earlier traditions about the release of indentured labourers, remission of debt, and return of real estate into its regular 50 year cycle.<sup>29</sup> Which of the two time periods should be followed? Some ancient sources suggest that both were active and that the indentured labourer was released according to the stipulations of the one which came earlier.<sup>30</sup> Another possibility seen in Rabbinic literature is that the Jubilee supercedes Exodus 21 and Deuteronomy 15.<sup>31</sup> Alternatively, the Rabbis note that they treat different cases with Exodus 21 dealing with indentured slaves sold by a court, while Leviticus treats the person who sells themselves.<sup>32</sup> Modern scholars offer similar solutions. For our enterprise the precise relationship between Deuteronomy 15 and Leviticus 25 may

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<sup>27</sup> Lefebvre, *jubilé biblique*, 307-30.

<sup>28</sup> Lefebvre, *jubilé biblique*, 325-27.

<sup>29</sup> Milgrom, *Leviticus*, III: 2251-53 has an illuminating discussion of Rabbinic and some modern approaches to this problem.

<sup>30</sup> The Rabbis offer this solution in Mishna Qiddushin 1:2, Jerusalem Talmud tractate Qiddushin 1:2, and in Sifra Behar 7:4. The Alexandrian Jewish philosopher Philo discusses it in his *de specialibus legibus* 2.122.

<sup>31</sup> Sifra Behar 3:6.

<sup>32</sup> E.g., in the Babylonian Talmud tractate Qiddushin 14b in the baraita. This solution is similar to that offered by Lefebvre and Chirichigno.

remain open, suffice it to say that both are later than Exodus 21.<sup>33</sup>

Much has been written about the question whether either a seven year cycle of remission of debt and / or release of Hebrew indentured labourers or a 50 year cycle, or, indeed, both at the same time, would have worked or would have undermined credit and debt as engines of the economy of ancient Judah.<sup>34</sup> The idea that real estate should belong to a family and revert to them after a certain period so that not all future members of a family are punished for the economic difficulties of their forebears, appeals, even if the laws that enable it make it rather difficult to get any credit in the years leading up to a Jubilee year—or lead to exemption clauses such as the ones found in Mesopotamian texts mentioned above.<sup>35</sup> The fact that they appear to have been enacted elsewhere in the ancient Near East, albeit not occurring regularly every seven or 50 years, opens the possibility that they were also carried out in Israel and Judah/Yehud on an ad hoc basis. For our purposes it is of little consequence whether or not this is the case. Even if the laws of Exodus 21, Deuteronomy 15 and Leviticus 25 were never put into practice, they would still stand as texts in which such principles were thought through, ready to be used as foundations on which to build legal frameworks.

The existence of the parallel laws in Deuteronomy using the term *šēmittā* and in Jeremiah, Ezekiel and Leviticus using the term *dērōr* also indicates that the liberty encompassed by the semantics of *dērōr* is unlikely to have been more fundamental than freedom—whether temporary or more permanent—of one’s own body and work being owned by another human. Consequently, most modern translations of the Hebrew Bible use words such as ‘release’ to render *dērōr*.

But what is the purpose behind this release? It is possible, that individual freedom was prized very highly indeed. I do not want to disregard this as a contributing factor.

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<sup>33</sup> Joosten, *People and Land*, 158-59 comments that it is unlikely that the two codes ‘knew or used [each] other’.

<sup>34</sup> Walter Houston, ‘The King’s Preferential Option for the Poor: Rhetoric, Ideology and Ethics in Psalm 72’, *Biblical Interpretation* 7 (1999), 341-67, has a useful short discussion on relative lack of evidence for it was ever enacted during the monarchic period, pp. 352-54, 359. The post-Exilic book of *Ezra-Nehemiah* (Neh 5) when a land reform is instigated, no recourse is made to either Leviticus 25 or Deuteronomy 15, indicating that its authors were not familiar with either chapter from the Torah, or saw them as non-enforceable.

<sup>35</sup> Deuteronomy 15 discusses the motivation of the lender recommending charity and threatening divine retribution. Consider also the concept of *Prozbul* attributed to Hillel, by which a loan could be given over to Rabbinic administration, see Mishna tractates Gittin 4:3, and Shevi’it 10:3.

First and foremost, however, is the issue of economics as part of a greater social ideal. People sold themselves or their relatives into indentured labour in order to pay for debts. The fact that only Hebrew indentured labourers were to be released, but not foreign indentured labourers, indicates, that the real aim of this legislation is to ensure the economic underpinning of the social ideal that each Israelite family had the same minimum amount of land. It is, perhaps, unsurprising that this ideal itself is supported by the theological vision that YHWH is the real owner of the land (Leviticus 25:23) and that he is watching the behaviour of rich Israelites towards their poorer compatriots (Deuteronomy 15:8-11). If liberty in a more fundamental way were at the heart of the matter in these texts, there would be no reason to limit the release of indentured labourers to Israelites. The intention of the passage is the strengthening of the patrimonial household as the ideal unit of organisation. Liberty is not given an absolute value but a relative one. Just like the land reverts back to the family, so do the members of the household. It follows, then, that on the level of the text of the Hebrew Bible read in a first millennium BCE context, liberty is more of an theological, economic and social principle than one of political or personal independence and freedom.

### **Examples from the Rabbinic Interpretation of Leviticus 25:10 and the Term *děṛōr*.**

Jewish interpretation of biblical texts starts already within the pages of the Bible itself.<sup>36</sup> This development continues and can be seen for example in the Peshier literature from Qumran, but also in the so-called Rewritten Bible genre such as the book of Jubilees. Not all of this tradition is in Hebrew and Aramaic, but some Greek speaking and writing Jewish philosophers also form part of the history of Jewish exegesis of the (Hebrew) Bible. Philo of Alexandria, the great Jewish philosopher of the first century CE gives an allegorical interpretation that is not picked up centrally in the Jewish tradition. The Christian tradition, however, is strongly influenced by Philo, focussing on possible meanings of the fifty year span and links to other biblical texts.<sup>37</sup> Rabbinic

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<sup>36</sup> See, e.g., Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon Press, 1985).

<sup>37</sup> In his treatise *de mutatione nomine* 228, Philo links Abraham's intercession for the inhabitants of Sodom and Gomorrah in Genesis 18 with Leviticus 25 by use of the number 50 and the remission from a negative fate (see also *de sacrificiis Abelis et Caini* 122 and *quaestionibus in Genesim* B 4.27, 110). In *de virtutibus* 100 and *de specialibus legibus* 2.110–111 he summarises the Jubilee legislation in Leviticus 25. In *quis rerum divinarum heres sit* 273 Philo uses Leviticus 25 for a theology of liberation from

Judaism continued the pre-Rabbinic tradition in its own way. I will bring a few examples from Rabbinic interpretations of Leviticus 25:10 in the following few pages.

The terminological quagmire that we have encountered in the various forms of legislation about remission from indentured labour in the Hebrew Bible, shifts and simplifies in Rabbinic times, as the *děror* is used for birds and in biblical citations.<sup>38</sup> Instead, the word *hērūt*, which does not occur in Biblical Hebrew becomes the standard word for freedom from Mishnaic Hebrew onwards.<sup>39</sup> Most of the Jewish exegetical tradition of Leviticus 25:10 is concerned with the precise meaning and legal application of the release law, when and where it is in force, to whom it applies and similar such questions.<sup>40</sup>

The main Halakhic commentary on the book of Leviticus is called Sifra. Sifra, Behar 2, 2 (Weiss, fol. 107a)<sup>41</sup> contains a short text which plays with the two words *děror* and *hērūt* and their respective semantics: “...and proclaim liberty throughout the land to all its inhabitants”: “liberty” refers only to freedom. Said Rabbi Judah, “What is the sense of the word for freedom? [Since it shares consonants with the word for ‘go around’,] it is like a traveller who is licensed to go around and carry his goods through

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suffering, thereby moving Leviticus 25 from economic and social liberty to theological liberation. Philo also uses speculative numerical interpretation of the number 50 in *quastionibus in Genesim* A 2.78 and B 3.39. According to Gen 6:16, Noah’s ark is 50 cubits wide. As we shall see below, this numerological strand is picked up by Christian interpreters rather than the Jewish tradition.

<sup>38</sup> See, e.g., Morris Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature: With an Index of Scriptural Quotations* (London: Luzac & Co; New York: G.P. Putnam’s Sons, 1903), 322. This point can be illustrated by Ibn Ezra’s commentary on Leviticus where he defines *děror* in terms of *hopšī* and in terms of the actions of birds, see Asher Weiser, *Ibn Ezra: Commentary on the Torah*, vol. 2: Leviticus, Numbers, Deuteronomy (Jerusalem: Rav Kuk, 1976), 104 [in Hebrew]. An English translation is readily available in Jay F. Shachter, *The Commentary of Abraham ibn Ezra on the Pentateuch; Volume 3: Leviticus* (Hoboken: Ktav, 1986), 148-49.

<sup>39</sup> Avraham Even-Shoshan, *Ha-millon he-ḥadaš* (Israel: Ha-millon he-ḥadaš, 2007), 2:607 [in Hebrew].

<sup>40</sup> E.g., Sifra Behar 2:1-9:4.

<sup>41</sup> The standard edition is H. Weiss, *Sifra: Commentar zu Leviticus* (Vienna: Schlossberg, 1862). A more thorough edition has been prepared by Louis Finkelstein, *Sifra on Leviticus* (New York: Jewish Theological Seminary, 1983–91).

the whole district [Jastrow, p. 289].”<sup>42</sup> In this passage, Neusner translates *dērōr* with ‘liberty’ and *hērūt* with ‘freedom’. This text understands the freedom that is to be announced in Leviticus 25:10 as the kind of freedom to move about freely and do business, that is, in a way that is related but different from the biblical understanding of the term.

The Babylonian Talmud contains a curious narrative transmitted in the tractate Qiddushin 80b–81b. The story is about Rabbi Ḥiyya ben Ashi who in spite of being married tries to live a celibate life. His spurned wife decides to get into her good clothes and make-up and parades up and down in front of him.<sup>43</sup> He propositions to her and she demands that he bring her a certain pomegranate. Rabbi Ḥiyya goes to get the pomegranate and upon returning finds his wife in the house. When she asks him he tells her about the events. She tells him that it was her whom he propositioned. Rabbi Ḥiyya realises that he did not pass the test, and commits suicide by burning himself to death in his wife’s oven.

For our purposes, the most important aspect of this narrative is Rabbi Ḥiyya’s wife’s self introduction to her husband when she is dressed up: she calls herself *Hērūtā*. This name is related to the Hebrew word for freedom, *hērūt*. Shlomo Naeh has shown that the narrative plays not only with two meanings of freedom—freedom from the power of urges, and freedom to follow such urges—but that it does so by using the Syriac term for freedom: *heyruta*.<sup>44</sup> Syriac Christianity was particularly keen on asceticism, while Judaism was and is rather sceptic of sexual asceticism. This indicates that the authors

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<sup>42</sup> Jacob Neusner, *Sifra: An Analytical Translation* (Atlanta: Scholars Press, 1988), 3:305. The Babylonian Talmud, tractate Rosh Hashanah 9b has a similar phrase: ‘All authorities agree that the word *deror* means freedom. What does this tell us? — As it has been taught: The word *deror* means freedom. Rabbi Judah said: What is the significance of the word *deror*? [The freedom of] one who dwells [*medayyer*] where he likes and can carry on trade in the whole country’.

<sup>43</sup> This action has often been regarded as acting as a prostitute, but as Tal Ilan, *Silencing the Queen: The Literary Histories of Shelamzion and Other Jewish Women*, Tests and Studies in Ancient Judaism, 115 (Tübingen: Mohr Siebeck, 2006), 88–90 shows, this interpretation is not necessary. Instead the story can be read as Rabbi Ḥiyya’s wife simply dressing up in her finery. It is likely that story of Judah and Tamar in Genesis 38 influenced many interpreters.

<sup>44</sup> Shlomo Naeh, ‘Freedom and Celibacy: A Talmudic Variation on Tales of Temptation and Fall in Genesis and its Syrian Background’, in *The Book of Genesis in Jewish and Oriental Christian Interpretation: A Collection of Essays*, ed. by Judith Frishman, Lucas van Rompay, *Traditio Exegetica Graeca*, 5 (Leuven: Peeters, 1997), 73–89.



and readers of the narrative were aware not only of the two opposing directions in which freedom can be understood—freedom from and freedom to—but also that they were able skillfully to use the Syriac term in an inner-religious reflexion of an intra-religious debate about the value of asceticism. Thus, the story reflects on the nature of freedom, excesses of freedom and their consequences. It does so for a Jewish audience that is aware also of the use of the term in the Christian Syriac tradition. The ascetic Rabbi Hiyya in the story propositions his wife—she calls herself ‘freedom’ and he does not recognise her—and the Talmud’s audience would have understood the term for freedom used here as itself referring to Christian asceticism, and possibly also as a warning reference to Christian claims of being free from the law.

Naturally, philosophical and theological discussion about free will and the relationship of freedom to law as given by the deity abound in Rabbinic Judaism.<sup>45</sup> Where such discussions differ from most modern Western discussions that I am familiar with is that often obedience to divine law is seen as an expression of human freedom rather than it limiting human freedom. Genesis Rabba, a collection of Midrashim on Genesis, 53:7 contains the words ‘When Torah came into the world, freedom came into the world’. The Mishnah also contains several relevant texts. Avot 3:15 contains the phrase ‘all is foreseen, free choice (*rěšūṭ*) is given’.<sup>46</sup> Avot 6:2 suggests reading the consonantal text of Exodus 32:16 differently to produce new meaning: “‘The tablets were God’s work, and the writing was God’s writing, incised upon the tablets’”. Do not read incised (*ḥārūt*) but liberty (*ḥērūt*), for there is no free man but the one occupied with the study of Torah.’

Thus, ideas of freedom were and are present in Rabbinic thinking and interpretation of the biblical text. References to Leviticus 25:10, however, and related texts almost invariably discuss them in the context of economic, not moral, religious and/or philosophical discussions of ‘liberty’.<sup>47</sup> Instead, they discuss legal practice in relation

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<sup>45</sup> This tension can also be identified in the work of Josephus where he describes the various groups within the Judaism of his time (*Jewish War* 2.162–163; *Jewish Antiquities* 13.172; 18.13). See, e.g., Jonathan Klawans, ‘Josephus on Fate, Free Will, and Ancient Jewish Types of Compatibilism’, *Numen*, 56 (2009), 44–90.

<sup>46</sup> The semantic range of the word *rěšūṭ* is considerable and includes authority and control as well as free choice (Jastrow, *Dictionary*, 1499). However, the commentary tradition and translations are unanimous in understanding it to refer to the ability to choose freely in this passage.

<sup>47</sup> Similar sentiments regarding the presence of political philosophy in Rabbinic writing have been voiced by Joshua I. Weinstein, ‘*Yishuv Medinah* and a Rabbinic Alternative to Greek Political Philosophy’, *Journal of Jewish Thought & Philosophy* 23 (2015),

to the ‘year of remission’ (*šēmiṭṭā*) and the Jubilee year (every 50 years)—which reflects the meaning and setting of the biblical texts. The one exception I am aware of is the passage in Sifra above which plays with the two words for freedom, *ḥērūt* and *děror*.

## Examples of Patristic Interpretations of Leviticus 25:10

References to Leviticus 25:10 are rare among the Church Fathers of the first millennium CE. Origen who is famous for his allegorical interpretation of texts from his Old Testament is one of the few. In the second of his homilies on Genesis (according to Rufinus’ Latin translation), Origen speculates on the connection between numbers mentioned in the account of the building of Noah’s ark, Leviticus 25 and Christian salvation:

‘The width has the number fifty which has been consecrated as the number of forgiveness and remission. For according to the law [sic!] there was a remission in the fiftieth year, that is, so that if someone had sold off his property, he might receive it back; if a free man had come into slavery, he might regain his freedom; a debtor might receive remission; an exile might return to his fatherland.

Therefore Christ, the spiritual Noah, in his ark in which he frees the human race from destruction, that is, in his Church, has established in its breadth the number fifty, the number of forgiveness.’<sup>48</sup>

The links to Philo’s understanding and use of the number 50 as the connecting factor between Leviticus 25 and Genesis 6-9, read as a story of divine salvation of righteous Noah, is clear. In his fifth homily on Numbers he again alludes to Leviticus 25 and the Jubilee legislation through references to the number 50 as the number which ‘contains the mystery of forgiveness and pardon’.<sup>49</sup> The same connection is also drawn in his

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161–95.

<sup>48</sup> *In Genesim homiliae XVI 2.5*, Ronald E. Heine, *Origen: Homilies on Genesis and Exodus*, The Fathers of the Church, 71 (Washington: Catholic University of America Press, 1982), 83; Rufinus’ Latin translation of the passage can be found in W.A. Baehrens, *Origenes Werke. Sechster Band: Homilien zum Hexateuch in Rufins Übersetzung; erster Teil: Die Homilien zu Genesis, Exodus und Leviticus*, Die Griechischen Schriftsteller der ersten drei Jahrhunderte, 29 (Leipzig: J. C. Hinrichs’sche Buchhandlung, 1920), 34–35.

<sup>49</sup> Thomas P. Scheck, *Homilies on Numbers: Origen*, ed. by Christopher A. Hall,

(first) commentary on Matthew 11.3.<sup>50</sup> In these three passages by Origen we see him extending Philo's interpretation in a Christian direction, reading the Jubilee remission as applying to forgiveness of sins rather than remission of debts.

Perhaps it is not surprising that Didymus of Alexandria, who knew Origen, also interprets Leviticus 25:10 as speaking of forgiveness from sins as well as greater spiritual freedom.<sup>51</sup> Hilary of Poitiers' expansive commentary on Psalm 119 (LXX: 118) contains numerous references to Leviticus 25, again reading it as prefiguring the Christ event and using other figures of seven in the Hebrew Bible as supporting this reading.<sup>52</sup> This direction of interpretation becomes ever more explicit in Ambrose's commentary on Luke: 'the forgiveness of sins was revealed in Leviticus, the Kingdom of Heaves announced in the Psalms and the Promised Land most manifestly announced in Joshua'.<sup>53</sup> Indeed, Ambrose even links the calculation of Jubilees to the birth of

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Ancient Christian Texts, (Downers Grove: IVP, 2009), 18–19; W.A. Baehrens, *Origenes Werke. Siebenter Band: Homilien zum Hexateuch in Rufins Übersetzung; zweiter Teil: Die Homilien zu Numeri Josua und Judices*, Die Griechischen Schriftsteller der ersten drei Jahrhunderte, 30 (Leipzig: J. C. Hinrichs'sche Buchhandlung, 1921), 28. Origen's predisposition for the significance of the number 50 can also be found elsewhere in his work (e.g., in his 25th homily on Numbers 4), as well as in the work of Philo (see n. 43 above) and Clement of Alexandria's *Stromata* 6.87.2.

<sup>50</sup> Erich Klostermann and Ernst Benz, *Origenes Werke. Zehnter Band: Origenes Matthäuserklärung; 1. Die Griechisch erhaltenen Tomoi*, Die Griechischen Schriftsteller der ersten drei Jahrhunderte, 40 (Leipzig: J. C. Hinrichs'sche Buchhandlung, 1935), 28.

<sup>51</sup> *Commentarii in Psalmos* 108.4 (in his commentary to Psalm 25:6 [Greek counting 26:6]; Michael Gronewald, *Didymus der Blinde, Psalmenkommentar [Tura-Papyrus]*, 2, *Kommentar zu Psalm 22–26, 10*, Papyrologische Texte und Abhandlungen, 4 [Bonn: Habelt, 1968], 224) and *fragmenta in Psalmos* 533 (Ekkehard Mühlenberg, *Psalmenkommentare aus der Katenenüberlieferung*, Patristische Texte und Studien, 15 [Berlin: De Gruyter, 1975], 369–70), which is on Psalm 50. Ambrosiaster's commentary on Psalm 50 takes the same line. Köln University has kindly made scans of the Tura Papyri in its holdings available online: <http://www.uni-koeln.de/phil-fak/ifa/NRWakademie/papyrologie/Turapap/> [last accessed 8 August 2016].

<sup>52</sup> The texts in question are: *tractatus super Psalmum CXVIII* 3.7, 4.5, 5.6, 20.6, 21.4 and 21.5, Marc Milhau, *Hilaire de Poitiers. Commentaire sur le Psaume 118*, Sources Chrétiennes, 344&347 (Paris: CERF, 1988), vol. I:156, 182, 206, vol. II:274, 288.

<sup>53</sup> *Expositio Euangelii secundum Lucam* 5.94, M. Adriaen and P.A. Ballerini, *Ambrosii*

Jesus.<sup>54</sup>

Whereas most Rabbinic writings on Leviticus 25 focus on the socio-economic implications and practicalities of implementation of difficult regulations, Christian writers, starting with Origen mostly focus on reading of spiritual liberation from ‘debts’ (i.e. sin). Potential economic aspects of the Jubilee play little or no role. This hermeneutical move on the part of the Church fathers prefigures the interpretation of the passage as referring to Liberty writ large. Church fathers tended to read biblical texts in explicitly christocentric ways—outside theological or faith based circles such a hermeneutic key may not find too many followers today. It may even strike some readers as forcing the texts of the Hebrew Bible — the Church fathers’ Old Testament — into a hermeneutic straight jacket. For our purposes it shows the impact of the context of the reader of texts from the Hebrew Bible as well as their intertexts. As theological interpretations within the larger context of an understanding of the world as standing in a history of salvation, their reading makes sense. But it is also clear that the link between Genesis 6-9, Psalm 50 and Leviticus 25, based on the number 50 would not suffice for a modern reader as a basis for a successful reading of Leviticus 25.

## Thoughts on Leviticus 25 in the Early Modern Period

The works mentioned in this section are largely written by Christian authors who,

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*Mediolanensis Opera. Pars IV; Expositio Euangelii secundum Lucam; Fragmenta in Esaiam*, Corpus Christianorum Series Latina, 14 (Turnhout: Brepols, 1957), 166.

<sup>54</sup> *Expositio Euangelii secundum Lucam* 8.23, Adriaen and Ballerini, *Ambrosii Mediolanensis Opera. Pars IV*, 306. Similar comments can also be found in *de Ioseph patriarcha* 3.14, Carl Schenkl, *S. Ambrosii opera: Pars II*, Corpus Scriptorum Ecclesiasticorum Latinorum, 32/2 (Prague / Vienna: Tempsky; Leipzig: G. Freytag, 1897), 82; *de apologiae prophetae dauid* 8.42, Schenkl, *Ambrosii opera: Pars II*, 324–25; and *expositio de Psalmo CXVIII* 5.11, M. Petschenig, *S. Ambrosii opera: Pars V: Expositio Psalmi CXVIII*, Corpus Scriptorum Ecclesiasticorum Latinorum, 62 (Vienna: Tempsky; Leipzig: G. Freytag, 1913), 87–88. Procopius of Gaza’s *Commentarii in Octateuchum* 376–377 (commentary on Leviticus) also goes along similar lines, but is much more expansive, J.-P. Migne, *Procopius Gazaei, Christiani Rhetoris et hermeneutae, opera quae reperiri potuerunt omnia*, Patrologiae Graecae, 87/1 (Paris: Imprimerie Catholique, 1865), 783–89. The other reference to the Jubilee legislation in Procopius’ commentary (90, p. 257) is of less concern here.

like the Church Fathers, read the texts of the Hebrew Bible as their Old Testament and part of a larger biblical canon including the New Testament.<sup>55</sup> The traditional narrative is that these authors ‘mined the Hebrew Bible, the Talmud, and rabbinic literature for ideas, examples, and fullfledged political systems, with the aim of applying them to contemporary Europe.’<sup>56</sup> This somewhat romanticised image, however, was not just dismantled—so Oz-Salberger—by John Stuart Mill in his *On Liberty*, but it also may not have been quite as accurate as some may want to believe. Instead, we know that early modern authors read ancient sources, including the Bible as well as other Hebrew and Aramaic sources, and mined them for ideas where it suited them. They use biblical allusions when it serves their purpose and when it impedes their purposes they use different ways of expressing themselves.<sup>57</sup> These thinkers were steeped in Jewish and Christian heritage and realising this heritage is necessary and helpful in understanding their work.<sup>58</sup>

It is not surprising that biblical and other Jewish texts were used by early modern thinkers. The study of Hebrew and early modern philosophy were closely related. Both were in their infancy, and they were carried out in parallel to each other, often by scholars who knew each other or by scholars who pursued interests in both areas. The same printers printed their books, which meant that they set their manuscripts which familiarised them with their work.<sup>59</sup> Strong examples can be brought forward to illustrate the interest and influence of the Hebrew Bible on the ideas of the Humanists

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<sup>55</sup> In the following I rely on the work of Fania Oz-Salzberger, ‘The Jewish Roots of Western Freedom’, *Azure*, 13 (2002), 88–132; Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge: Harvard University Press, 2010); See Mark Somos, *Secularisation and the Leiden Circle* (Leiden / Boston: Brill, 2011); and Fania Oz-Salzberger, ‘The Political Thought of John Locke and the Significance of Political Hebraism’, *Hebraic Political Studies*, 1 (2006), 568–92.

<sup>56</sup> Fania Oz-Salzberger, ‘Jewish Roots’, 88. Nelson, *Hebrew Republic*, shows convincingly the extent to which Jewish learning influenced some of the early modern thinkers.

<sup>57</sup> See Somos, *Secularisation and the Leiden Circle*; Mark Somos, ‘*Mare Clausum*, *Leviathan*, and *Oceanea*: Bible Criticism, Secularisation and Imperialism in Seventeenth-Century English Political and Legal Thought’, in *In the Name of God: The Bible in the Colonial Discourse of Empire*, ed. by C. L. Crouch and Jonathan Stökl, Biblical Interpretation Series, 126 (Leiden / Boston: Brill, 2014), 85–132.

<sup>58</sup> Here, I am in full agreement with Fania Oz-Salzberger, ‘Jewish Roots’, 88–92.

<sup>59</sup> See, e.g., Mark Somos, *Secularisation and the Leiden Circle*, 53–54.

as well as their language. One such example is John Selden (1584-1654), an influential English thinker, lawyer and accomplished Hebraist. Selden's expertise covered a wide area: he published on constitutional law, Near Eastern religion, Judaism, Archaeology, English History and many other areas. In 1640 he published a book entitled *De iure naturali et gentium* in which he set out to show that the Old Testament contains all laws necessary for the proper functioning of the modern nation.<sup>60</sup> This book was written as part of the debates about international law and the birth of the modern state in which many Dutch and British thinkers were involved in the seventeenth century.

Two other towering figures of the time directly comment on the social nature of the Jubilee: Baruch Spinoza (1632-77) and Petrus Cunaeus (1586-1638). In his *Tractatus Theologico-Politicus*, Spinoza, who had been expelled by the Jewish community in Amsterdam, refers directly to Leviticus 25 (and indirectly to other remission laws).<sup>61</sup> He comments on the social benefits of such a rule of periodic remission of debts and return of sold real estate as it enables those who are poor to regain their property. Spinoza also argues that the Jubilee legislation prevented social strife and civil war by ameliorating the position of the poor in the land.<sup>62</sup> In his famous *Hebrew Republic*, Cunaeus devotes two chapters to the Jubilee, the Sabbatical year and distribution of land, in which he recommends that the stipulations of Leviticus 25 should be followed.<sup>63</sup> Like Spinoza, Cunaeus sees the social and economic benefits of the Jubilee legislation. These two, as well as other early modern thinkers influenced the modern

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<sup>60</sup> John Selden, *de iure naturali et gentium, juxta disciplinam Ebraeorum* (London: R. Bishop, 1640).

<sup>61</sup> On Spinoza as an interpreter of biblical texts, see, e.g., Steven Nadler, 'The Bible Hermeneutics of Baruch de Spinoza', in *Hebrew Bible/Old Testament: The History of its Interpretation: Volume II. From the Renaissance to the Enlightenment*, ed. by Magne Sæbø, Michael A. Fishbane and Jean Louis Ska, (Göttingen: Vandenhoeck & Ruprecht, 2008), pp. 827-36.

<sup>62</sup> S.n. [Baruch Spinoza], *Tractatus Theologico-Politicus* (Hamburg [Amsterdam]: Henricus Kunraht [Jan Rieuwertsz], 1670), ch.17 (an English translation can be found, e.g., on [https://en.wikisource.org/wiki/Theologico-Political\\_Treatise\\_1862/Chapter\\_17](https://en.wikisource.org/wiki/Theologico-Political_Treatise_1862/Chapter_17) [last accessed 4 August 2016]).

<sup>63</sup> Petrus Cunaeus, *De republica Hebraeorum libri III* (Leiden: Elzevier, 1617). For an English translation see: Petrus Cunaeus, *The Hebrew Republic*, ed. by Arthur Eyffinger, trans. by Peter Wyetzner (Jerusalem: Shalem Press, 2005). For helpful discussions, see Nelson, *Hebrew Republic*; Jonathan R. Ziskind, 'Petrus Cunaeus on Theocracy, Jubilee and the Latifundia', *Jewish Quarterly Review* (1978), 235-54.

liberal tradition extensively.<sup>64</sup> There were many books entitled *The Hebrew Republic* in the seventeenth century, written by Christian authors working on establishing the modern state on the example of the states of ancient Israel and Judah—as they read them in their Old Testament.

However, serious questions need to be asked as to how Spinoza, Cunaeus, Selden and other read their Hebrew Bible / Old Testament and other texts. In the books discussed here, they read the biblical text as if it were a historically reliable source for the the constitution(s) of ancient Israel. This is, perhaps, to be expected by seventeenth century authors. Influenced by the Rabbinic literature they had read they were aware, of course, of the fact that the Hebrew Bible contains both pro-monarchic and anti-monarchic texts that could be used by interpreters to further their own viewpoint. In his *de iure praedae* Grotius therefore argues that in a court of general law arguments drawn from biblical text should become inadmissible.<sup>65</sup> The context of this work, like of his *mare liberum* and Selden's later *mare clausum* are the debates about international law, politics and how conflicts between individual and state actors on the international scene should be solved.

Most early modern thinkers read the texts in the Hebrew Bible / Old Testament in a way that to us today appears historically naive—they had relatively little choice in the matter as their reading strategies for sacred texts would scarcely have allowed them to fully realise the extent of the discrepancies that caused later biblical scholars to develop theories and concepts in order to explain the texts that have come down to us. However, in addition, scholars like Selden 'analyzed ancient Israel as a classical polity'.<sup>66</sup> This indicates that Selden's classical education served as an intertext for his reading of the Hebrew Bible / Old Testament. The language of the kingship of God in the Hebrew Bible is pervasive so that it is virtually impossible to provide a cogent and consistent reading of the text and still arrive at the separation of God from the State, with the State having a positive image.

Most early modern thinkers read Leviticus 25 with an emphasis on what we today

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<sup>64</sup> E.g., Nelson, *Hebrew Republic*, 130-34. As Oz-Salzberger, 'Jewish Roots', 112–17 points out, their focus on questions of social justice, alas, appears to have fallen somewhat out of fashion.

<sup>65</sup> Oz-Salzberger, 'Jewish Roots', 93–94; Mark Somos, 'Secularization in *De Iure Praedae*: From Bible Criticism to International Law', *Grotiana*, 26–28 (2005–07), 147–91. I do not follow Nelson's argument (*Hebrew Republic*, 88-137) that the recognition of God as civil ruler allowed early modern political thinkers to remove religious laws from the state and thereby usher in an age of toleration.

<sup>66</sup> Oz-Salzberger, 'Jewish Roots', 96.

would call social justice.<sup>67</sup> This is, perhaps, not surprising, as they were trying to focus on the political rather than the theological.<sup>68</sup> A quick look into a biblical commentary of the early seventeenth century shows that the economic reading is there but presented as the subordinate to the allegorical theological reading which links Leviticus 25 to what the author calls ‘Christian freedome’.<sup>69</sup> The different purpose and audience for the different kind of works led them to write different texts. It shows that the interpretation of Leviticus 25 did not develop in one straight line in which certain hermeneutic strategies are extended further and further. Instead, the use to which the various authors put their writings, be they Rabbinic, Patristic, Humanistic or Clerical strongly influence their focus. What is shared by the authors included here is that rather than study the text for what it is, they used it to produce meaning for their own time and community. As a consequence the text is not studied like other ancient texts but to a large degree as an unquestionable revelation. Modern readings of biblical texts for political theory, constitutional law and liberty will need to show careful historical awareness of how the text came into being, including the vagaries of its transmission, particularly in the latter part of the first millennium BCE.

## Conclusions

In the preceding pages I have presented how the Hebrew word *děṛōr* is used in Jeremiah 34, Isaiah 61, Ezekiel 46 and Leviticus 25 and arrived at an understanding of it as referring to restitution from indentured labour and of patrimonial property. Because of the presentation in the biblical text, many readers of the Hebrew Bible work on the

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<sup>67</sup> Perhaps a comparison with aspects of the ancient Near Eastern (*an*)*durāru* and *mīšarum* edicts would have been more productive, had they known of them, as there is only an indirect religious reason given there, inasmuch as ancient Near Eastern kings, according to royal ideology, were upholding divine law. But in Leviticus the matter is much more overtly religious and theological, see, e.g., Lefebvre, *jubilé biblique*, 347-48.

<sup>68</sup> I agree with Oz-Salzberger’s call that for rethinking Liberty, using sources from traditions beyond Classical Greek and Latin texts, including—among others—Jewish texts. However, just as a critical hermeneutic is necessary for Classical works, it is also necessary in our use of Biblical and Rabbinic texts, lest we use them as ‘prooftexts’. Instead responsible reading strategies will read biblical texts as libraries containing conflicting points of views rather than whole texts conceived of by a single author.

<sup>69</sup> Gervase Babington, *Comfortable Notes upon the Bookes of Exodus and Leuiticus* (London: Thomas Chard, 1604), II:201–209.



assumption that Leviticus 25 is the base text that the others refer to, but it is likely that Leviticus 25 is dependent on Exodus 21. The references in Jeremiah 34 are likely to be older than those in Leviticus 25.<sup>70</sup> Nonetheless it is also clear that some such legislation, if not necessarily in the wording we now find in Leviticus, did exist prior to the Babylonian Exile, as, for example, the formulations found in Exodus 21 and 23 or in Deuteronomy 15. The ‘liberty’ these texts speak of is circumspect and limited to an economic intervention in support of a social ideal. In Rabbinic sources we mainly find deeper concern for how these stipulations should work out in reality—even though the Jubilee has not been generally observed at least since the destruction of the Second Temple in 70 CE, if not earlier.<sup>71</sup> This indicates that these discussions are at least partially examples of exegetical reading strategies. The Church Fathers, if they discuss Leviticus 25:10 at all, tend to do so in the sense of a release not from indentured labour but the liberation of the soul. At times numerological strategies that (over)stretch what might be hermeneutically acceptable today are employed to reach that goal.

Early modern thinkers are attracted to the biblical text because it is written in Hebrew and Hebrew is, academically speaking, one of the hot topics, and because it is a foundational text for their civilisation—as it is for ours. They see in it a blueprint for their new societies and the states that they help form in the aftermath of the Reformation and Dutch declaration of independence. They focus on the socio-economic aspect, as salvation at the End of Days was not particularly helpful for their concerns in the running of countries in spite of religious differences. Most of them were Christians and thus they were not opposed to Christian readings of the text, but that was not their main concern when writing their political treatises. The one seventeenth century commentary on Leviticus by Gervase Babington mentioned in this study does have that concern, but before giving a Christian theological reading it also shows interest in the socio-economic aspect of the text.

This indicates that we cannot easily draw a straight line of development from the biblical text to the early modern period and beyond. Instead, individuals read biblical texts for their communities with their problems in mind, and they (more or less successfully) attempt to construct meaning on their basis. They all share an a-historical approach to the text, reading it as if it had been written in their own day, with divine authority.

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<sup>70</sup> *Contra*, e.g., John S. Bergsma, *The Jubilee from Leviticus to Qumran: A History of Interpretation*, Supplements to Vetus Testamentum, 115 (Leiden / Boston: Brill, 2007), 160-70.

<sup>71</sup> There is no known reference to the Jubilee legislation being put into practice in the Persian and Hellenistic periods.

If we want to make use of texts such as Leviticus 25 in modern conceptualisations of liberty and social justice, we may also do well to remember those aspects of the texts which do not fit our paradigm. As Leviticus 25:43-45 shows, non Israelites were excluded from the Jubilee legislation. As noted above, Leviticus 25:10 offers a more inclusive version: ‘all its [=the land’s] inhabitants’ (*yōšē<sub>l</sub>eyhā*) are to be liberated. It is this earlier verse in the chapter, which encourages liberation theologians to refer to the chapter as a source text to call for the liberation from oppression, particularly in majority world countries. They find an ally in Jacob Milgrom who argues strongly that remission and restitution roughly along the lines of the Jubilee legislation can have a positive impact.<sup>72</sup>

Thus, Thomas Lister and others who were involved in the commissioning of Liberty Bell may have understood themselves as the main beneficiaries of liberty in the Bell’s inscription, rather than their dependents. As the Bell was adopted in the 19<sup>th</sup> century as a symbol for the abolitionist movement the group to whom ‘liberty’ referred was extending—albeit it at a painfully slow rate. Perhaps the difference between Leviticus 25:10 and verses 43-45 could be read as a reminder to be wary of our tendencies to claim liberties for ourselves and our own group rather than to ‘Proclaim Liberty thro’ all the land unto all the inhabitants thereof!’

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<sup>72</sup> Milgrom, *Leviticus*, III:2270-71.

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